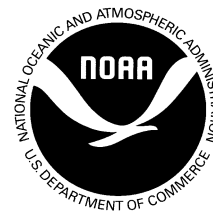


***Evaluation Findings  
For The  
Commonwealth of the Northern Mariana Islands  
Coastal Resource Management Program  
From  
February 1998 To March 2001***

**November 2001**



Office of Ocean and Coastal Resource Management  
National Ocean Service  
National Oceanic and Atmospheric Administration  
United States Department of Commerce



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## EXECUTIVE SUMMARY

### A. OVERVIEW

Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct periodic evaluations of state coastal management program implementation. This review examined how the Commonwealth of the Northern Mariana Islands Coastal Resource Management Office (CRMO) implemented and enforced the Coastal Resource Management Program (CRMP), addressed the coastal management needs addressed in section 303(2)(A) through (K) of the CZMA, and adhered to the terms and conditions of the NOAA financial assistance awards the CRMP received between June 1995 and March 2001.

### B. ACCOMPLISHMENTS

The Evaluation Team documented a number of areas where the CRMO improved its management of the Commonwealth's coastal resources. These include:

- 1. Coral Reef Initiatives.** During the review period the CRMO completed a number of initiatives to protect and educate about the value and importance of coral reefs. One project was the design and placement of coral reef interpretative signs at significant recreational use locations. A second involved working with the University of Guam Marine Lab to develop an education CD-ROM on coral reefs. Finally, as the official Governor's point of contact for the U.S. Coral Reef Task Force, the CRMO played an active part in the development of local, regional, and national coral reef activities.
- 2. Managaha Marine Protection Act.** The CRMO played an instrumental role in the enactment of the Managaha Marine Conservation Act of 2000. This legislation represents an initial step to an overall coral reef management plan for Saipan Lagoon, and the Territory as a whole. The Act establishes the Managaha Conservation Area, which includes a jet-ski exclusion zone and defines additional recreation areas.
- 3. General Program Performance.** During the review period, implementation of the CRMP continued with a high level of professionalism and responsibility, despite losing several key staff. Permit review and assistance to developers, contractors, and government agencies to assure early compliance with program requirements was maintained, while enforcement activities were enhanced through the implementation of evening and weekend patrols.

4. **Coordination with Federal Agencies.** In this review period, the CRMO worked with several Federal agencies to bring additional resources to the CNMI to support territorial coastal zone management. First, in conjunction with the NOS Coastal Services Center (CSC) and National Geodetic Survey (NGS), the CRMO worked to coordinate a forthcoming project to bring a team of NGS staff to the CNMI to update the territory's geodetic control. A second area of coordination, working with the U.S. Army Corps of Engineers (USACE), has resulted in funding for two significant shoreline studies being initiated – a beach erosion study for Managaha Island and a shoreline erosion study for the Saipan Lagoon area.
  
5. **GIS Working Group.** During the review period the CRMO took the lead to convene all Commonwealth agencies that use spatial data to discuss their needs and the development of a comprehensive GIS for the Territory. The GIS Working Group was formed to establish a forum for the discussion of spatial data between the different divisions of government. The Group is only in its initial stages, but the participating agencies recognize the importance of coordination and the CRMO is in a position to coordinate the government-wide compatibility of data relative to the various needs of the agencies. In addition to local GIS initiatives, the CRM continues to work with the National Ocean Service (NOS) Coastal Services Center (CSC) and Pacific Services Center (CSC) on GIS initiatives.

## C. SUMMARY OF RECOMMENDATIONS

In addition to the significant accomplishments described above, OCRM has identified areas where the program may be improved. These evaluation findings identify five (5) recommendations which take the form of Program Suggestions and are not mandatory.

**Finding:** From the late 1980's to the mid-1990's, development pressure in the CNMI was such that proposed projects overwhelmed the permitting process. During that time, certain criteria and process irregularities and needs were identified. In addition, it became clear that existing regulations do not cover all likely development scenarios and some regulations may be in conflict with others. A separate CNMI effort to develop a zoning plan on Saipan in the 1990's was short lived due to public opposition. While development pressure was high, the pace of permit application, processing and review did not allow for addressing regulatory shortcomings or conflicts. At this time the CRM Board review process continues to work well and is well coordinated in carrying out its responsibilities; however, the regulatory issues that have presented themselves over the past ten to fifteen years need to be addressed.

1. **PROGRAM SUGGESTION: Regulatory review and Assessment.** The CRMO is encouraged to review its regulations, in concert with the Coastal Resources Management Board and consultation with the public, to identify shortcomings, conflicting requirements, and discrepancies. In doing so, the CRMO should use CZMA §309 funds to address regulatory reforms related to existing authorities. A part of this effort should be directed to re- visiting the development of a viable approach to zoning.

**Finding:** The CRMO has taken the initiative to coordinate Commonwealth agencies' efforts to collect and use spatial data. There are a number of issues that should be addressed relative to creating a territorial GIS including: data storage, training and retention of GIS staff, acquiring new data, and ensuring consistent, compatible data throughout the various networked agencies.

2. **PROGRAM SUGGESTION: GIS Development.** The CRMO, as the coordinating office, should work with the GIS Workgroup and the CRM Board to define an appropriate location for data storage and processing. In the review of options, potential locations should not just be limited to CRM agencies, but also explore possibilities with the Northern Mariana College. The CRM should also continue to pursue additional GIS technical assistance available from the Coastal Services Center and Pacific Services Center.

**Finding:** The distinction between a major permit and the minor permit needs to be better defined, as does the definition of the agency that grants the minor permit. The issue springs from an event on Rota where there was a minor permit issued to allow for the hand cutting of undergrowth (a minor permit approved by the field staff). This was changed during implementation to include mechanized clearing of the same area (a major permit not approved since the action occurred under the minor permit). While one solution might be to have minor permits, like major permits, issued from one central authority in Saipan after the field office concurred with the permit in advance, the current process was initiated to deal with lesser permits which have little or no impact and to reduce procedural requirements at the main office.

3. **PROGRAM SUGGESTION. Minor Permitting.** CRMO should explore options to the issuance of minor permits to assure that they are clearly for activities that would be allowed by right, that would have few or no conditions attached there-to and/or have a standard set of conditions, and that could not be amended to expand the scope of the permitted activity beyond that originally permitted. Communication of minor permitted actions to the networked agencies should occur on a regular basis. To facilitate

such communication digital processing and tracking should be explored as the permit tracking system is expanded.

**Finding:** The CRMO staff has limited email and Internet access. Given the increased reliance on the Internet for communication within CNMI, among coastal programs, and in the Federal government, including on-line grant processing and reporting, Internet access for staff may be appropriate.

4. **PROGRAM SUGGESTION. Internet Access.** The CRMO should consider expanding Internet access for staff. In addition to a generic office address, certain staff would benefit from having their own email address and Internet access for communicating with other CNMI agencies, coastal programs, and OCRM and other Federal agencies.

**Finding:** The CRMP outreach program has resulted in a number of accomplishments during the review period; however, there remain a number of opportunities to build on this success. The CRMO should explore expanding the outreach and education component to include a broader group of constituents. Likewise, the CRMO has been successful in providing training to staff in coastal management topics such as oil spill response and GIS. To further build staff skills, the CRMO is encouraged to seek additional opportunities for staff training.

5. **PROGRAM SUGGESTION. Outreach and Training.** The CRMO is encouraged to expand opportunities for staff to receive training from the Northern Mariana Community College, Sea Grant, the NOS Pacific and Coastal Services Center, and the Marine Resources Pacific Consortium (MAREPAC). Similarly, the CRMO should seek to expand outreach activities to include a broader constituent base as well as a greater emphasis on basic issues such as nonpoint source pollution and permitting.

## I. INTRODUCTION

Section 312 of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires NOAA's Office of Ocean and Coastal Resource Management (OCRM) to conduct a continuing review of the performance of States and Territories with Federally approved Coastal Management Programs. This document sets forth the evaluation findings of the Director of OCRM with respect to the Commonwealth of the Northern Mariana Islands Coastal Resources Management Program (CRMP) for the period from February 1998, through March 2001. This document includes an Executive Summary, Program Review Procedures, Program Description, Accomplishments, Review Findings and Recommendations, and a Conclusion.

The recommendations made by this evaluation appear in bold type and follow the section of the findings in which the facts relative to the recommendation are discussed. The recommendations may be of two types:

- (1) Necessary Actions address programmatic requirements of the CZMA regulations and of the CRMP approved by NOAA, and must be carried out by the date(s) specified.
- (2) Program Suggestions denote actions which OCRM believes would improve the management and operations of the Program, but which are not mandatory at this time.

If no specific dates are given for carrying out a Program Suggestion or a Necessary Action, the State is expected to have successfully implemented the Necessary Action or Program Suggestion by the time of the next section 312 evaluation. The findings contained within this document will be considered by NOAA in making future financial assistance award decisions relative to the Commonwealth of the Northern Mariana Islands Coastal Management Program.

## **II. PROGRAM REVIEW PROCEDURES**

The Office of Ocean and Coastal Resource Management (OCRM) evaluation staff began review of the CRMP in January, 2001. This included an analysis of the approved CRMP, previous and current award documents and performance reports, previous evaluation findings, correspondence relating to the CRMP, and other relevant information. The Policy Coordination Division (PCD) and the Coastal Programs Division (CPD) staff coordinated to determine the issues which would become the main focus of the evaluation. The Evaluation Team analyzed the State's responses to these specific issues and used them as primary sources of information on the CRMP's operation.

The Evaluation Team gave special emphasis to the following issues:

- \* The effectiveness of CRMO authorities and procedures to address coastal resource needs, including administrative procedures of the Coastal Resource Management Board (in this regard we would like to review 5 recent major development permits);
- \* The effectiveness of monitoring and enforcing the Commonwealth laws and authorities under the CRMO;
- \* The potential for a local appropriation of funds to support the CRMO;
- \* The effectiveness of the CRMO Federal consistency process as a management tool;
- \* Review of implementation of new initiatives in coral reef and marine protected areas management;
- \* Opportunities for public participation, both formal and informal, in permitting and planning decisions under the CRMO;
- \* Review of any program changes to and impact of these changes on the CRMO;
- \* Effectiveness in gaining full approval of the CNMI Nonpoint Source Pollution program; and,



- \* Opportunities to use regional educational institutions or other initiatives to develop outreach focused on building programmatic support at all levels.

John H. McLeod, Evaluation Team Leader, Policy Coordination Division (PCD); Jonathan Kelsey, Program Specialist, Coastal Programs Division (CPD); Jim Rives of the Louisiana Coastal Management Program; and Mike Gawel Territory of Guam Coastal Management Program; conducted a site visit from February 28 through March 9, 2001. The Evaluation Team met with representatives of the Commonwealth, Federal agencies, interest group representatives, and private citizens during the site visit.

Prior to the site visit, the Evaluation staff provided written notice of the CRMP evaluation to relevant Federal agencies and provided opportunities for them to respond. A Public Meeting was held on Saipan on Tuesday, March 6, 2001, at 5:00 pm, in the Joeten Kiyu Library. (Appendix A lists persons contacted in connection with the evaluation; Appendix B lists persons who attended the Public Meeting; Appendix C contains NOAA's response to the written comment received.)

The CRMP staff were instrumental in setting up meetings and arranging transportation. Their support is gratefully acknowledged.

### III. PROGRAM DESCRIPTION

The CNMI's Coastal Resources Management Program was formally approved by NOAA/OCRM in September 1980, and, except for Fiscal Year 1992, has since received continuous 100% Federal funding under §306 of the Coastal Zone Management Act of 1972, as amended.

The Coastal Resources Management Office (CRMO), within the Department of Lands and Natural Resources (DLNR)<sup>1</sup>, is the lead agency responsible for the implementation of the Commonwealth's CRMP. The CRMO's primary responsibilities include: (1) coordinating all phases of the coastal permit process including permit submission, review, decision-making, public involvement and appeals; (2) reviewing the permitting actions of Commonwealth agencies for compliance with the CRMP; and (3) making findings on proposed activities requiring Federal consistency determinations pursuant to Section 307 of the CZMA (16 U.S.C. Section 1456).

The CRMP establishes an overall management strategy for resolving the often conflicting priorities of economic development and conservation of the CNMI's valuable and vulnerable coastal resources. The jurisdiction of the CRMP includes the entire land area and territorial waters of the 14-island archipelago.

The CRMP explicitly identifies specific areas and activities which are subject to the coastal permitting program. Coastal permits are required for activities ranging in scope from temporary beach palapas to major resort complexes. The specific category of any given permit - minor, standard and major - is determined by the nature, location and infrastructure demands of the proposed projects. Minor permits are approved, approved with conditions, or denied by the CRMO Administrator or the coastal coordinators for Rota and Tinian. Standard or major siting permits are approved, approved with conditions, or denied by the CRMO Administrator and the heads of the 6 CRM Agencies as the CRM Board: Department of Land Natural Resources (DLNR); Department of Public Works (DPW); Department of Commerce (DOC)<sup>2</sup>; Division of Environmental Quality (DEQ); Historic Preservation Office (HPO); and the Commonwealth Utilities Corporation (CUC).

The CRM permit is the principal mechanism through which the program's coastal management strategies are implemented. Consequently, the CRM permit process is a major

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1. Prior to 1994, the CRMO was within the Office of the Governor, the Executive Reorganization Act of 1994 redesignated the Department of Natural Resources to be the DLNR housing the CRMO.

2. Previously the Department of Commerce and Labor. The Executive Reorganization Act of 1984 moved the "Labor" elements to a new Department of Labor, Immigration, and Customs.

focus of this review. A CRM permit is required for any proposed project which: (i) is located wholly, partially, or intermittently in an Area of Particular Concern (APC; described below); (ii) is located outside an APC but which constitutes a major siting as defined by CRMP threshold values for project size, infrastructure demands, or environmental impacts on nearby APC's; or (iii) requires a Federal license, permit, authorization or funding. The CNMI currently recognizes four categories of APCs within which all activities are subject to the policies of the CRMP and require a CRM permit issued by CRMO. These are:

- o Shoreline APC - The area between mean high water mark or the edge of a shoreline cliff and one hundred and fifty feet inland throughout the Northern Mariana Islands chain.
- o Lagoon and Reef APC - A partially enclosed body of water formed by sand spits, bay mouth bars, barrier beaches or coral reefs, of the Northern Mariana Islands chain.
- o Wetland and Mangrove APC - Areas inundated by surface or ground water with a frequency sufficient to support a prevalence of plant or aquatic life that require saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands include swamps, marshes, mangroves, lakes, natural ponds, surface springs, streams, estuaries, and similar areas in the Northern Mariana Islands chain.
- o Port and Industrial APC - The land and water area surrounding the commercial ports of the Northern Mariana Islands chain which consists of projects, industrial uses, and all related activities.

## IV. PROGRAM ACCOMPLISHMENTS

During the period of time covered by this evaluation, February 1998 through March 2001, the Commonwealth of the Northern Mariana Islands Coastal Resource Management Program has made many significant accomplishments. The details of the most noteworthy of these accomplishments are listed below.

### A) Coral Reef Initiatives

During the review period the CRMP pursued several initiatives to protect and educate about the value and importance of coral reefs. One initiative was the placement of signs at significant locations where coral reefs are accessed by divers. The other involved work with Guam to develop an educational CD-ROM on coral Reefs.

#### 1. Coral Reef Signage

Substantial signs describing coral reefs and the need for their protection were placed on Micro Beach, Managaha Island, Tago Beach on Tinian, and Tachogna Beach on Rota. These signs both inform about the corals and describe protective measures that a diver must take when viewing the resources. The signs are in four languages: English; Japanese; Korean; and, Chinese.



## **2. CD-ROM on Coral Reefs of the Mariana Islands**

One of the first steps that managers took when they began to develop an educational CD-ROM on coral reefs was to go to the schools and use them in developing the format that would be most useful to them. The resulting *Coral Reefs of the Mariana Islands: An Educational Exploration*, which pairs a general Mariana specific CD with the Jean-Michel Cousteau CD, *Cities Under the Sea: Coral Reefs* for use in school science programs. Demand for the dual CD package has been high since they were not only provided schools but were made available to the public. With ten copies going to each school, and with public requests, few of the initial printing of 5,000 copies remain.

### **B) Managaha Marine Protection Act**

Enactment of the Managaha Marine Conservation Act of 2000 represents the initial steps to the overall protection of the Saipan Lagoon. The Bill establishes the Managaha Conservation Area which includes a jet-ski exclusion zone and defines parasailing and banana boat operation areas. With this in place, a bill to isolate and protect the Tanapah Lagoon has recently been proposed.

Managaha Island, a small, uninhabited island within Saipan Lagoon is a significant tourist destination. Early in CRMP implementation and recognizing the potential for tourism, a project was funded to develop an interpretive trail around the island, highlighting important natural, prehistoric and historic features. At that time, major activities were swimming, snorkeling and diving; basically passive recreational endeavors. In recent years, activities have grown to include banana boat operations which tow tourists on an air inflated “banana” float, and para-sailing. The island itself has been influenced by storm and the adjacent ship channel and is being eroded in certain locations. Its protection as both a tourist destination and as a natural resource is important.



### **C) General Program Performance**

During the review period implementation of CRMP continued at a high level of professionalism and responsibility, despite the loss of key personnel. Assistance to developers, contractors and government agencies to assure early compliance with program authorities was maintained. Enforcement was increased through site inspection of permitted projects and discovery and adjudication of un-permitted projects. Generally the CRMP is out in front on many land/water interface issues which makes the lead positions “the most contentious positions in the CNMI government.” Because the CRMP enforces permit conditions, it takes the “heat” for the requirements of the networked agencies. The permitting process is being implemented

effectively with CRM Board members providing input, establishing permit conditions, and providing support to the CRMP in the event of a failure to meet their conditions (or to apply for a permit in the first place). The problem is that the enforcement is a CRMP responsibility, because it is a CRMP permit, even though the specific condition may not have a clear nexus to the defined program. For example, the Tinian Casino moved to use its own electrical energy in conflict with the permit condition that it use public electrical energy. In this case the CRMP permit condition, required by a networked agency, reflected a need to support island infrastructure, not coastal authorities. When the casino violated this condition, it violated the CRMP permit. Thus the CRMP is in the forefront on any contested permit issue - a situation which the CZM Board agencies do not mind. It is to the credit of the CRMP that it is willing to take the responsibility of its permit conditions and move to enforce that is creditable.

#### **D) Coordination with Federal Agencies**

Geodetic control is a set of geographical benchmarks used to spatially reference (i.e. ground truth) satellite imagery and aerial photography. The CNMI's geodetic control is currently outdated and as such, highly inaccurate and unreliable. The original survey to establish control was performed in 1944; and in 1966, CNMI law mandated the 1944 data as the official CNMI datum and that all subsequent surveys be required to use these controls. Working with the NOAA Coastal Services Center (CSC) and the NOS/National Geodetic Survey (NGS), the CRMO geographic information system (GIS) manager has successfully coordinated an forthcoming project to bring a team of NGS staff and resources to the CNMI to update geodetic control.

Precise geodetic control is the foundation for all GIS development. With the recent enactment of national initiatives to map coral reefs and support the development of marine protected areas (MPAs), GIS applications are becoming more important to managers in pursuit of integrated coastal zone management. The 1944 datum currently in use in the CNMI does not produce accurately referenced spatial information. For example, a recent attempt to map an MPA off the Island of Rota placed the location of the site 1000 meters inland. The work of the CRMO with NOAA agencies will rectify the problems associated with the 1944 datum and furthermore build cooperative relationships to bring additional resources to support the CRMO's GIS applications and efforts.

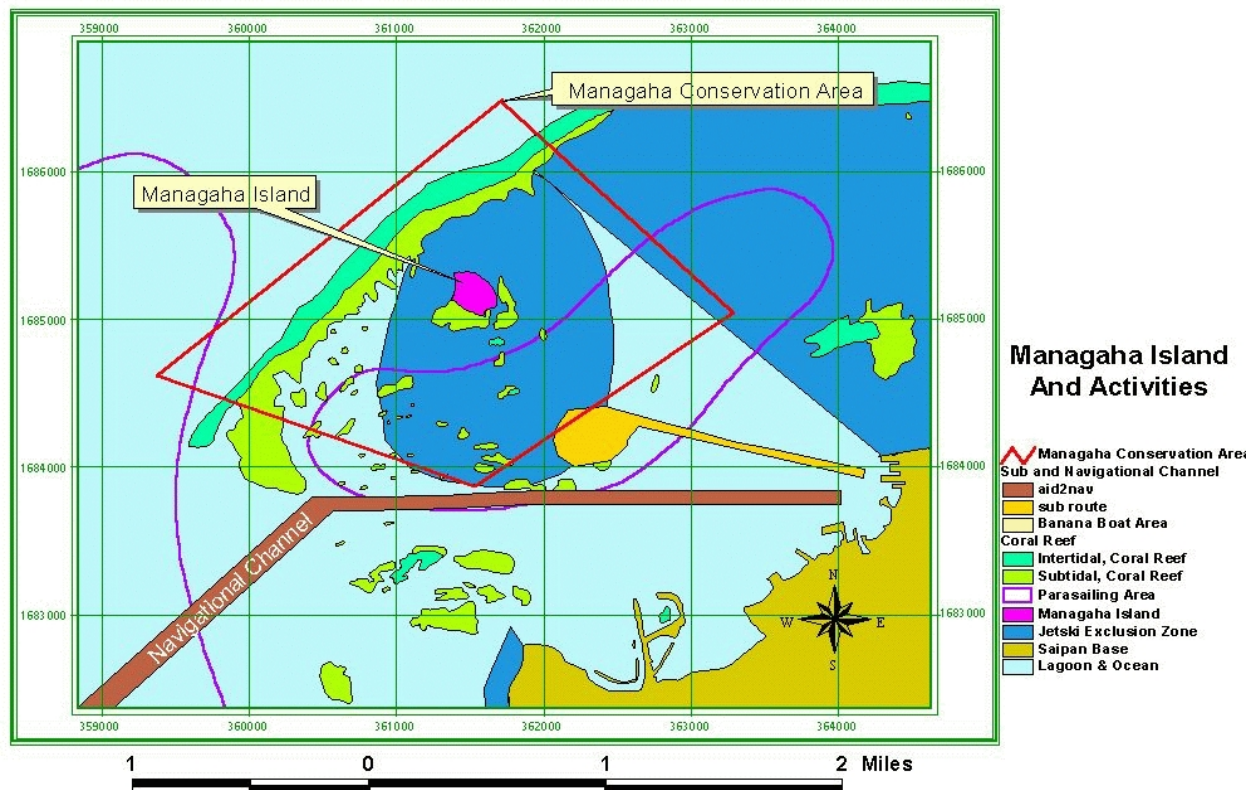
#### **E) GIS Working Group**

During the review period the CRMP took the lead to convene all Commonwealth agencies with spatial needs to discuss development of a GIS for the islands. The GIS working group was formed to establish a free flow of spatial data between the different divisions of government. The work is only in its beginning stages, but all networked agencies recognize the importance of coordination and the CRMO is in a pivotal position in assuring a government-wide



compatibility of data relative to the various different needs of the agencies. Even as it develops, the agencies are moving to develop their own capabilities. Recently, Lands and Surveys, the agency which was supposed to provide the micro-server for all of the agencies, contracted with the J.D. Edwards Computer System to store their information. This has led the networked agencies to recognize the importance of a unified effort toward which they would be willing to provide funds. Because the CRMO is recognized as the coordinating agency, support for their lead in spatial data development is supported by the other agencies.

An example of the use of GIS data in direct management of coastal resources is the mapping done as a part of the development of the Managaha Island Conservation Area. Displayed below, the plan provides an implementation tool to the protection of Managaha and the Managaha Marine Conservation Act.



## V. REVIEW FINDINGS AND RECOMMENDATIONS

The Office of Coastal Resource Management (OCRM) finds that the CRMP is adhering to its approved coastal management program; implementing and enforcing the CRMP in a satisfactory manner; and adhering to the programmatic terms of the NOAA financial assistance awards. The Commonwealth continues to address national coastal management needs identified in CZMA Section 303 (2) (A) through (K). The requirements of Federal consistency are being appropriately applied and carried out.

The following documents some of the key management issues facing the Commonwealth and contains Necessary Actions and Program Suggestions designed to improve the performance of the CRMP during the next review period. Commonwealth responses to the previous findings are detailed in Appendix D.

### A) Regulatory Review and Assessment

In the late-1980's through the mid-1990's, development pressure was such that the government was overwhelmed and permitting occurred at a “breakneck” pace. The desire for development, and the concurrent benefit of an increased tax base, higher employment, and enhanced services occurred to the disadvantage of certain other resource and social needs and benefits. During that time, certain criteria and process irregularities and process needs were identified; regulations do not cover all likely situations and some may be in conflict with others. The problem was not the will to make corrections, the problem was that the pace of permit application and processing prevented any concerted effort to make needed corrections to process and law. Certainly some may argue that a moratorium could have been put into effect to allow for corrections to be made, but none was. At this time the pace of applications has slowed and development pressures have abated.

While review process is healthy, and the CRMB carries out its responsibilities in a coordinated fashion. There is no “planning authority” and the CRMB serves as an organization where planning, or, as one Board member put it “..the thoughts of planning occur.” However, permit criteria and overall planning needs and constraints still need to be addressed. For instance, the amount of parking required under permitting compared to the amount of real world use should be compared to assure that parking requirements to a permit adequately reflect true demand. Likewise, runoff, which is seen as a significant issue, according to another Board member “..needs further consideration in our discussions.”



At present, CRMO is developing an approach which would engage the development community in a dialogue to determine their problems. This will include local boards, private and public interests. Likewise the CRMB expressed the desire to more actively engage common issues and shortcomings in the way land use decisions are made. Early in CRMP history there was a zoning authority which failed due to a number of reasons. At this point, almost 20 years later, there seems to be renewed interest in the use of zoning as a tool. Regardless of the reasons for its failure, a Board member noted that “it should be implemented gradually in a manner that deals with the greatest impact first, then be expanded to other areas.” All CRMB members recognize that “there is a lot to do” and that with the lower level of development now occurring, there is a window of opportunity to engage the issues to establish “how to do it right.”

## **PROGRAM SUGGESTION**

**1) The CRMO is encouraged to review its regulations, in concert with the Coastal Resources Management Board and consultation with the public, to identify shortcomings, conflicting requirements, and discrepancies. In doing so, the CRMO should use CZMA §309 funds to address regulatory reforms related to existing authorities. A part of this effort should be directed to re- visiting the development of a viable approach to zoning.**

### **B) GIS Development**

While CRMO has taken the initiative to involve Commonwealth agencies in a coordinated approach to the collection and use of spatial data, more needs to occur. Some would see the recent move of Lands and Surveys to contract with the J.D. Edwards Computer System to store their information as a move to isolate their information, particularly when they were supposed to provide the micro-server for all of the agencies. However, storage is only one of the issues. Others include training and retention of personnel in the use of spatial data, obtaining different levels of data, and developing compatible data sets throughout the various networked agencies.

CRMB members indicate that the CRMO is in the unique position to take the lead in this endeavor since it already has the mandated role of coordinating the work of the agencies on coastal matters. In this vein Board members indicated that funds were available to support a coordinated endeavor. During the site visit there was limited discussion regarding the use of the resources of the Northern Marianas Community College for data storage. This provides several interesting opportunities. First, the positioning and maintenance of information is at a politically neutral location. Second, the ability of the College to secure funding sources for development expands the overall funding potential that currently exists within the networked agencies. Third, the college could use the information, and its manipulation, in a continuing education program to assure a local resource of talent to support agency activities in GIS use and development. Fourth, the capabilities of the populace in this area would be enhanced.

## **PROGRAM SUGGESTION**

**2) The CRMO, as the coordinating office, should work with the GIS Workgroup and the CRM Board to define an appropriate location for data storage and processing. In the review of options, potential locations should not just be limited to CRM agencies, but also explore possibilities with the Northern Mariana College. The CRM should also continue to pursue additional GIS technical assistance available from the Coastal Services Center and Pacific Services Center.**

### **C) Minor Permitting**

The distinction between a the major permit and the minor permit needs to be better defined, as does the definition of the agency that grants the minor permit. The issue springs from an event on Rota where there was a minor permit issued to allow for the hand cutting of undergrowth (a minor permit approved by the field staff). This was changed during implementation to include mechanized clearing of the same area (a major permit not approved since the action occurred under the minor permit). While one solution might be to have minor permits, like major permits, issued from one central authority in Saipan after the field office concurred with the permit in advance, the current process was initiated to deal with lesser permits which have little or no impact and to reduce procedural requirements at the main office.

In any event, DEQ noted that it would like to be notified when a minor permit is issued. DEQ mentioned that they did not always know that a minor permit had been issued. This may well be oversight on their part - it seems that the networked agencies have come to rely on the CRMO as the “gatekeeper” for all permits, retaining complete files that are available upon their request. This means that they may just table actions and files until they come to their awareness, when they have to go to CRM for copies. Nevertheless, the issuance of a minor permit should be communicated to the respective CNMI agencies.

Minor permits do come with conditions and are monitored. Each island issues its own. It might be timely to view this process from the standpoint of providing facilitated communication with the network and look to digital access at some point in the future. The permit tracking process is also a process which may be facilitated by digital input, tracking and access.

## **PROGRAM SUGGESTION**

**3) CRMO should explore options to the issuance of minor permits to assure that they are clearly for activities that would be allowed by right, that would have few or**

**no conditions attached there-to and/or have a standard set of conditions, and that could not be amended to expand the scope of the permitted activity beyond that originally permitted. Communication of minor permitted actions to the networked agencies should occur on a regular basis. To facilitate such communication digital processing and tracking should be explored as the permit tracking system is expanded.**

#### **D) Internet Access**

The CRM has three computers which share on-line access, one of which does not function well. Given the increased use of internet for communication, both in and among the CNMI and with other coastal programs and the Federal government, the move by OCRM to develop on-line grant application, processing and reporting, and the level of increased activity which warrants this communication, internet access for staff should be expanded. While a generic office address should be maintained for general use, certain staff should be provided with their own address to facilitate their communication within CNMI and with the other coastal programs, OCRM and other Federal agencies.

#### **PROGRAM SUGGESTION**

**4) The CRMO should consider expanding Internet access for staff. In addition to a generic office address, certain staff would benefit from having their own email address and Internet access for communicating with other CNMI agencies, coastal programs, and OCRM and other Federal agencies.**

#### **E) Outreach and Training**

While the CRMP outreach program has resulted in a number of accomplishments during the review period, there remain a number of opportunities to expand on this success. For instance, building on the CD-ROM on coral reefs of the Mariana Islands, there is interest at the Northern Mariana Community College to develop a marine species education program that would reach all grade levels. The CRMO is positioned to provide support to such an endeavor and needs only to look at the Guam Coastal Management Program as a model. In addition to outreach, CRMO staff should avail themselves of opportunities to take classes or seek other additional avenues to further prepare themselves for enhanced public service. With increased use of technology, through GIS applications, WEB use for information dissemination, and computer tracking of administrative processes, the demand for technological training is increased. This, and other more traditional vehicles for increased outreach such as publications and brochures,

radio and television, presentations, and newsprint, continue to require ongoing training and education of staff, to bring about education of the public.

## **PROGRAM SUGGESTION**

**5) The CRMO is encouraged to expand opportunities for staff to receive training from the Northern Mariana Community College, Sea Grant, the NOS Pacific and Coastal Services Center, and the Marine Resources Pacific Consortium (MAREPAC). Similarly, the CRMO should seek to expand outreach activities to include a broader constituent base as well as a greater emphasis on basic issues such as nonpoint source pollution and permitting.**

### **F) Internal Changes**

While the CRMO is effectively carrying out its functions, the CRMB continues to actively meet (though not as often as some members would like), and the CRMO is working closely with the DEQ at the staff level and, with the new director, at the higher administrative level, it is recognized that change in any one situation can have an effect on the other. The acting Program Manager during the time of this review and site visit voluntarily ended his employment with the Commonwealth several weeks after this review. With this, and the loss of a number of other personnel, institutional knowledge has been lost. New personnel have a high degree of ability and capability and should be able to accommodate to continued programmatic augmentation issues and needs. Nevertheless, the personnel make-up of the program is substantially changed. To this end, when OCRM conducts its evaluation of the Guam Coastal Management Program in the next fiscal year, it should spend appropriate time in review of the current status of program implementation of the Northern Mariana Coastal Management Program. This should include having the CRMO manager or a member of senior management participate on the Guam evaluation. Also a site visit to the Mariana Islands with findings, should be made to confirm continued implementation improvement.

## VI. CONCLUSION

Based on OCRM's review of the federally approved Commonwealth of the Northern Mariana Islands Coastal Resource Management Program and the criteria at 15 CFR 928.5(a)(3), I find that the Commonwealth is adhering to its federally approved coastal management program. Further advances in coastal management implementation will occur as the Commonwealth addresses the necessary actions and program suggestions contained herein.

These evaluation findings contain 5 recommendations which are program suggestions that the Commonwealth should address before the next regularly scheduled program evaluation, but which are not mandatory at this time. Program suggestions that OCRM must repeat in subsequent evaluations, however, may be elevated to necessary actions (which must be acted upon within specific time frames or financial assistance may be jeopardized).

This is a programmatic evaluation of the CRMP that may have implications regarding the Commonwealth's financial assistance award(s). However, it does not make any judgements on, or replace any financial audit(s) related to, the allocability of any costs incurred.

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Date

Charles N. Ehler, Acting Director

**Commonwealth of the Northern Mariana Islands**  
**Coastal Resource Management Program**  
**CZMA Section 312 Evaluation**

PERSONS CONTACTED DURING THE EVALUATION

In Saipan:

Peter Barless	Coastal Resource Management (CRM) Acting Director
Martin Castro	CRM Permit Manager
Joaquin Salas	CRM Chief Enforcement Officer
Jack Tenorio	Secretary of Department of Lands and Natural Resources
Frank Villanueva	Secretary of Commerce
Daniel Camacho	Commerce
Joe Guerrero	Director of Historic Preservation Office
Steve Lemieux	Department of Public Works
Brian Beardon	Division of Environmental Quality
Frances Castro	Division of Environmental Quality
Peter Houk	Division of Environmental Quality
Dino Jones	Congressman, Natural Resources Committee
Heinz Hofshneider	Congressman
Ben Fitial	House Speaker
Pete P. Reyes	Senator, Chairman Natural Resources Committee

On Rota:

Benjamin Manglona	Mayor
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In San Francisco:

Michael Hornick	Federal Emergency Management Agency (FEMA)
Bill Shough	FEMA, Mitigation Specialist
James B. Branch	Environmental Protection Agency (EPA), CNMI and ROP Program Manager, Office of Pacific Island and Native American Programs
Jovita E. Pajarillo	EPA, Nonpoint Source Program Coordinator, Water Management Division

In Hawaii:

Brooks Harper	Fish and Wildlife Service (FWS), Pacific Islands Ecoregion (PIE), Ecological Services Field Supervisor
Ronald Salz	FWS, PIE, Computer Specialist
Jerry Leinecke	FWS, PIE, Habitat Field Supervisor

Sharon K. Zeigler

University of Hawaii, Sea Grant Extension Service,  
Coordinator, Pacific Island Network

James E. T. Maragos

Senior Fellow, Program on the Environment, East-West  
Center

Ray Clark

National Marine Fisheries Service

Mike Hamnet

Pacific Basin Development Council

Kelven Char

In Guam:

S. Kelly Walcott

FWS, Manager,

Leslie Morton

FWS, Assistant Manager,

John Sanchez

FWS, Public Youth Specialist

Robin Demeo

Natural Resource Conservation Service

Frank Dayton

U.S. Army Corps of Engineers

## APPENDIX B

**Commonwealth of the Northern Mariana Islands**  
**Coastal Resource Management Program**  
**CZMA Section 312 Evaluation**

### PERSONS ATTENDING THE PUBLIC MEETING

Public Meeting held at 6:30 pm, on Tuesday, March 6, 2001, in the Multi Purpose Center

Wesley Bogdon **	
Robert Torres **	
Ivan Groom **	
John Furey **	
Ken Govendo**	
Peter Barlass	CRMP
Joaquin "Jack" Salas	CRMP
Becky Lizzama	CRMP
Douglas Mauro	CRMP
John Gourley	CRMP
Linda C. Torres	CRMP
Wilfred Q Lizama	CRMP
Joe T. Torres	CRMP
Mike Gawel	Review Team
Jim Reeves	Review Team
Jonathan Kelsey	Review Team
John McLeod	Review Team

\*\* Commented at the Public Meeting.



**APPENDIX C**

**Commonwealth of the Northern Mariana Islands**  
**Coastal Resource Management Program**  
**CZMA Section 312 Evaluation**

**WRITTEN COMMENT RECEIVED AND RESPONSE**

**No written Comments were Received During the Conduct of this Review.**

**Commonwealth of the Northern Mariana Islands**  
**Coastal Resource Management Program**  
**CZMA Section 312 Evaluation**

**RESPONSE TO PREVIOUS FINDINGS**

**1. Necessary Action:** The CRMO must develop a written statement to clarify the roles and responsibilities of the island field staff, including providing adequate administrative and operational support, in order to accomplish jobs. This must be completed within 6 months of receipt of final findings.

**RESPONSE:** The CRMO submitted position descriptions for field staff and office space was identified for the Tinian field staff. This necessary action was met.

**2. Program Suggestion:** (A) CRMO should develop a “white Paper” devoted to the issue of local appropriations to support CRMO staff. (B) CRMO is (*sic*) encouraged to develop a staffing and training plan to increase existing staff capabilities, as well as meet particular staff needs (ie. Legal and administrative).

**RESPONSE:** A white paper was developed. However, attempts to gain local funding were thwarted because of overall cuts in CNMI budgets. Some local funding was appropriated for office space in Tinian.

**3. Program Suggestion:** (A) CRMO should develop a briefing packet for new members of the CRM Board to inform members better of their roles and responsibilities in the CRMO permitting process. (B) CRMO should continue to work more closely with the member agencies’ staff to communicate better their roles and expectations and to obtain better compliance on deadlines from the agencies, as well as improve multi-agency jurisdictional monitoring and enforcement activities.

**RESPONSE:** CRMO developed a revised policy for CRM Board meetings which satisfied this suggestion.

**4. Necessary Action:** (A) CRMO must continue computerization of the permitting and monitoring/enforcement files, and develop the capabilities to link the two files and to track projects through completion. Efforts to develop these capabilities must be documented in all performance reports and completed within three years of receipt of final findings. (B) CRMO must update their program rules to better define major and minor permit actions and clarify the new performance standards applying to these projects. A final program amendment must be submitted to NOAA/OCRM within two years of receipt of final findings. (C) CRMO must

complete a review of permit conditions to improve, clarify, and reduce paperwork. This process must be completed within one year of receipt of final findings.

**RESPONSE:** This continues to be done. Spread-sheets were developed for tracking permits. CRM is working to develop an integrated tracking system through GIS.

**5. Program Suggestion:** The CRMO should work to ensure completion and adoption of the Rota HPC, including signature of the memorandum of understanding by the necessary parties and passage or necessary legislative changes.

**RESPONSE:** This did not occur through no fault of CRM.

**6. Program Suggestion:** The CRMO needs to finalize and begin implementation of the Saipan Lagoon Use Master Plan. This includes: (1) Providing public and stakeholder opportunities to review and comment on the draft plan, (2) Finalizing the Plan and water use zoning map, (3) Adopting water use regulations which deal specifically with recreational vessel and personal water craft regulation, and (4) Working with the Governor's Office, Legislature and the Department of Public Safety to insure that regulations included in the Water Use Zoning Plan are adequately enforced.

**RESPONSE:** This is an old, non-issue.

**7. Necessary Action:** (A) CRMO must improve their financial assistance awards procedures and submit the required performance reports on time. Separate performance reports must be submitted for separate awards. This must begin with the first performance report following the receipt of final findings. (B) CRMO must submit a revised statement of work and budget for the text book project. The revised statement of work and budget must be submitted within 30 days of receipt of final findings.

**RESPONSE:** The requirements of 7 A were met. CRMO submitted a revised statement of work and budget to NOAA on May 7, 1998 to satisfy the requirements of 7 B.

**8. Program Suggestion:** (A) The CRMO, in coordination with OCRM and CNMI Governor's Office and EMO, should work with Teritorial (*sic*) and Federal Agencies and, within two years, develop an Action Plan for the future removal of unexploded ordinance in the coastal waters which meets the minimum thresholds for Federal consistency determination. The Plan should take into account the goals of the CNMI coastal Program and the CZMA to protect coastal and nearshore (*sic*) natural resources when considering disposal methods of unexploded ordinance while maintaining the primary objective of ensuring public safety. (B) The CRMO should revise its financial assistance award budget to reflect more accurately the time and money spent on federal consistency. (C). CRMO staff with Federal Consistency responsibilities should attend Regional OCRM Federal Consistency training workshops and solicit assistance from the OCRM

Federal Consistency Coordinator and program staff if questionable issues arise in the Commonwealth.

**RESPONSE:** The spirit of this set of recommendations was met. CRM no longer allows underwater demolition.

**9. Necessary Action:** CRMO must complete all required reports documenting Federal consistency review in CNMI including Section B reports. CRMO must submit summaries of all Federal consistency actions in the semi-annual performance reports.

**RESPONSE:** This was done.

**10. Necessary Action:** CRMO must submit the description of its public participation process, consistent with NOAA's Policy Guidance on Public Participation (59 Federal Register 30339). This must be submitted within one year of receipt of final findings. They must also provide written guidance in the updated program document for public participation in these program activities.

**RESPONSE:** This was done.

**11. Necessary Action:** The CRMO must submit the required documentation to OCRM describing the moving of the CRM program to the DLNR, or its new location. CRMO must submit the documentation to OCRM by December 31, 1988.

**RESPONSE:** CRM was subsequently moved back to its original location under the governor so this recommendation has no meaning.